Remarks

Amendments to the Specification

The paragraph beginning at page 24, line 21 of the specification is amended to be consistent with other usage of needle holder 94 in the same paragraph and to correct "cap 42" to "cap 48" (e.g., "end cap 48" appears two paragraphs below the amended paragraph).

Claim Objection

Claim 29 is corrected to overcome the objection stated in paragraph 1 of the action by adding the punctuation required by Examiner.

Canceled Claims

Claims 78 and 87 are canceled without prejudice.

Amendments to the Claims

Claims 29, 31-34, 36-38, 40-42, 45-46, 48-50 and 54-55 are amended to substitute "retainer" for "retaining." This amendment is supported by the disclosure appearing, for example, at page 6, line 17 of the instant application.

Claim 29 is amended with regard to release of the retraction mechanism, and Claims 29, 37 and 45 are amended to recite a substantially cylindrical barrel and at least one radially extending finger grip member providing finger grips for the syringe body and a collar extending behind the at least one finger grip member, the collar having an open end, as additional elements of the syringe body. These amendments are supported by disclosure appearing, for example, in FIG. 3 and at p. 13, ll. 18-22 and p. 18, l. 18 to p. 19, l. 3 of the specification. Claim 37 is also amended to remove an extraneous comma. Claim 45 is also amended to recite a plunger having a back end portion *with an end cap* having an outer periphery that is disposed in close proximity to the open back end of the collar upon retraction. This amendment is supported by

disclosure appearing, for example, in claims 29 and 37, and in FIGS. 3, 6-7 and 12, and at p. 13, l. 18 to p. 14, l. 6, and at p. 25, ll. 9-11 of the instant application.

Claims 30, 39 and 47 are amended to rephrase the recitation regarding the structure disposed in the front end portion of the barrel that prevents the needle from extending further into a patient as the plunger is full depressed to activate the retraction mechanism. These amendments are supported, respectively, by disclosure appearing, for example, in FIGS. 1-2 and 5-6 of the drawings and at p. 13, ll. 1-3 and p. 15, ll. 10-12 of the instant application.

Claims 36, 44 and 52 are amended to be consistent with the amendments to claims 29, 37 and 45, respectively, and to further recite that the plunger end cap is lodged in close confinement with the back of the collar upon retraction. Claims 44 and 52 are also amended to delete "whereby the plunger cannot be grasped after retraction" to reduce the likelihood that one might, upon issuance of the claims, otherwise rely upon the deleted language to assert that the end cap is graspable in the circumstance where one is able, for example, through the persistent use of fingers, fingernails or a tool such as a knife or screwdriver, to gain sufficient hold or leverage on the plunger end cap to withdraw the plunger end cap from the back end portion of the hollow syringe body following retraction. These amendments are supported by disclosure appearing, for example, at p. 14, ll. 1-6 of the instant application.

Claims 38 and 46 are amended to substitute "fluid" for "fixed." This amendment is supported by disclosure appearing, for example, in claim 32 of the instant application.

Claim 54 is amended to recite the body, to further define the rigid stop surface of the body, and to further define the retraction mechanism of the subject syringe assembly. These amendments are supported by disclosure appearing, for example, in the paragraph beginning at p. 13, l. 7 of the instant application as amended in the Amendment and Response to Office Action filed by Certificate of Mailing on November 1, 2002.

Claim 58 is amended with regard to the body and the needle retraction mechanism. These amendments are supported by disclosure appearing, for example, at p. 12, l. 20 to p. 13, l. 4 and p. 17, ll. 19-22 of the instant application.

Claim 60 is amended with regard to the annular shoulder of the inside wall of the body. This amendment is supported by disclosure appearing, for example, in FIGS. 1-2 and 5-6 and at p. 15, ll. 10-12 of the instant application.

Claims 61 and 64 are amended with regard to the plunger head. These amendments are supported by disclosure appearing, for example, in FIGS. 1-2 and 9, and at p. 13, ll. 7-14 of the instant application.

Claim 69 is amended to depend from claim 66 and claims 69 and 70 are amended with regard to the positional relationship between the thumb cap and collar. These amendments are supported by disclosure appearing, for example, in FIG. 1-3 and 5-6 and at p. 13, ll. 14-22 of the instant application.

Claims 72-73 and 84-85 are amended with regard to the retainer member. These amendments are supported by disclosure appearing, for example, at p. 5, ll. 3-11 and p. 15, ll. 3-5, 8-10 of the instant application.

Claim 74 is amended with regard to the nose. This amendment is supported by disclosure appearing, for example, in FIGS. 1-2 of the instant application.

Claims 76. 89 are amended with regard to the body and retraction mechanism. These amendments are supported by disclosure appearing, for example, at p. 34, ll. 5-10 of the instant application.

Claim 79 is amended to change its dependency from claim 58 to claim 61.

Claim 81 is amended with regard to the body, retraction mechanism, plunger and plunger head. These amendments are supported by disclosure appearing, for example, in FIGS. 1-2 and at pp. 14-15 of the instant application.

Claim 83 is amended with regard to the barrel and at least one finger grip member. These amendments are supported by disclosure appearing, for example, at p. 13, l. 17 to p. 14, l. 6 of the instant application.

Claim 86 is amended with regard to the needle and needle holder. These amendments are supported by disclosure appearing, for example, at p. 33, l. 18 to p. 34, l. 2 of the instant application.

Claim 96 is amended to further define the rigid stop surface of the body of the subject syringe assembly. This amendment is supported by disclosure appearing, for example, in the paragraph beginning at p. 13, l. 7 of the instant application as amended in the Amendment and Response to Office Action filed by Certificate of Mailing on November 1, 2002.

Newly Added Claims

Newly added claims 102, 103 and 104, which depend from claims 29, 37 and 45, respectively, recite that the body has an inside diameter immediately forward of the finger grips, the collar has a different inside diameter, and the inside diameter of the body immediately forward of the at least one finger grip member is less than the inside diameter of the collar. Support for claims 102, 103 and 104 is found, for example, in FIGS. 1-3, 5-7 and 12, and at p. 13, ll. 17-22 of the specification. The syringe assembly recited in each of claims 102, 103 and 104 is not disclosed by Tsao '018 or by Pressly et al. '629.

Newly added claim 105, which depends from claim 54, recites that the needle holding portion of the needle holder extends forwardly of both the biasing element and the body. Support for claim 105 is found, for example, in FIGS. 1-2 and 9 and at p. 34, ll. 1-2 of the specification, and in copending claims 58 and 75. The syringe assembly recited in claim 105 is not anticipated by Tsao '018 or by Pressly et al. '629.

Newly added claim 106, which depends from claim 54, recites the body has a rigid stop surface that abuts directly against the plunger seal and stops forward movement of the plunger following release of the retractable needle. Support for claim 106 is found, for example, in FIG. 3 and in the paragraph beginning at p. 13, l. 7 of the instant application as amended in the Amendment and Response to Office Action filed

by Certificate of Mailing on November 1, 2002. The syringe assembly recited in claim 106 is not anticipated by Tsao '018 or by Pressly et al. '629.

Newly added claims 107 and 108, which depend from claim 58, recite language relating to venting of the plunger and are supported by disclosure appearing, for example, at p. 27, ll. 6-7 of the instant application.

Newly added claim 109 depends from claim 81 and contains a recitation that previously appeared in claim 81. Pressly et al. '629 does not disclose a syringe having a needle retraction mechanism insertable into the hollow body through the second open end.

Newly added claim groups 110-112 and 113-116 recite a syringe assembly having a retractable needle and designed for one-time use, and comprising other combinations of elements that define over both Tsao '108 and Pressly et al '629, all of which are well supported by the disclosure appearing, for example, in FIGS. 1-3 and 5-7 of the application and the portions of the specification relating thereto. More particularly, claims 110-112 recite, for example, a syringe assembly comprising at least a hollow syringe body having a barrel with a back end portion further comprising at least one radially extending finger grip member and a substantially cylindrical collar extending rearwardly of the at least one finger grip member, the cylindrical collar having an inside diameter larger than any portion of the barrel disposed forwardly of the at least one finger grip member in combination with a plunger having a front end portion insertable into the barrel through the collar and slidably engageable with the barrel forwardly of the at least one finger grip member. Claims 113-116 recite, for example, a syringe assembly comprising at least a hollow syringe body further comprising a front end portion having a small diameter open end disposed forwardly of any larger diameter section of the barrel, wherein any forward movement of the needle holder relative to the barrel is limited by an annular shoulder disposed adjacent to and defining the small diameter open end.

Newly added claims 117-121 recite a syringe having a retractable needle and designed for one-time use, and comprising other combinations of elements that define

over both Tsao '108 and Pressly et al '629, all of which are well supported by the disclosure appearing, for example, in FIGS. 1-3 and at p. 7, l. 7 to p. 8, l. 2 and at p. 29, ll. 3-14 and at p. 32, ll. 6-11 of the instant application. More particularly, claims 117-121 recite, for example, a syringe comprising at least a body further comprising at least one radially extending finger grip member providing finger grips for the syringe and a collar extending rearwardly behind the at least one finger grip member, the collar having an open end, and a retraction mechanism and plunger cooperating to produce two plunger stop positions that are identifiable by a user, a first plunger stop position corresponding to completion of an injection, which is followed by the initiation of retraction if the plunger is advanced beyond the first plunger stop position by the user, and a second plunger stop position corresponding to the completion of retraction.

Examiner is hereby expressly authorized to charge any additional fee required by the presentation of these additional claims to deposit account No. 12-1781 of Locke Liddell & Sapp LLP.

Claim Rejections—Tsao '018

Claims 29-34, 36-42, 44-50, 52, 54, 55 and 96, all of which were previously allowed, are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. 5,084,018 to Tsao. Applicant respectfully traverses this rejection and requests that it be reconsidered and withdrawn in view of the amendments and remarks presented in this response. With respect to Examiner's statement in paragraph 2 of the action regarding claims 29, 37, 45, 54 and 96, Applicant specifically controverts and/or requests clarification of, at least in part, the following statements made by Examiner as being teachings of Tsao '018:

- "a retraction mechanism (38)"—Reference numeral 38 of Tsao '018 refers to the spring. Applicant's use of "retraction mechanism" in the rejected claims is not so limited. The embodiments of FIGS. 1-3 and 6 of Tsao '018 have a spring 38;

the embodiment of FIG. 5 does not. Clarification is requested if the rejection is not withdrawn.

- "a needle holder having an inner head (34)"—Reference numeral 34 of Tsao '018 refers to the locking tip. In the embodiments shown in FIGS. 1-3 and 5 of Tsao '018, locking tip 34 is a needle holder. In the embodiment shown in FIG. 6 of Tsao '018, locking tip 34 is not a needle holder. In Applicant's specification and claims, the term "needle holder" always refers to a part that actually contacts and holds the needle in fixed relation to the needle holder by the use of an adhesive or other similarly effective means. Clarification is requested if the rejection is not withdrawn.
- "a continuous retaining member (26) configured for operation by forward movement of a plunger (50)"—Reference numeral 26 of Tsao '018 refers to the limiting flange 26 on the inner wall of the front end of the barrel 12. The continuous retaining member recited, for example, in claims 29, 37, 45, 54 and their related dependent claims, is not a structure analogous to limiting flange 26. Examiner may have intended reference to sliding base 20 of Tsao '018. Clarification is requested if the rejection is not withdrawn.
- "the continuous retaining member surrounding the inner head of the needle holder and having a surface mating (26) with a facing surface of the hollow syringe body"—First, "the needle holder" of Tsao '018 can only mean locking tip 34, which is not a needle holder in the embodiment of FIG. 6 of that reference. Second, no figure of Tsao '018 is seen to disclose limiting flange 26 mating with a facing surface of the hollow syringe body, thereby further indicating that Examiner may have intended reference to sliding base 20 of Tsao '018. Clarification is requested if the rejection is not withdrawn.
- "a plunger having a front end portion (54) comprising a head (56), an outer wall surface on the plunger front end portion having a plunger seal (58) element fixed on the outer wall surface"—Reference numeral 54 of Tsao '018 refers to

the open end of plunger 50, formed from displaced cork 56 (Col. 2, lines 61-62). Clarification is requested if the rejection is not withdrawn.

- "an end cap (59) having an outer periphery"—Reference numeral 59 of Tsao '018 refers to a limiting flange. Thumb rest 57 provided at the end of plunger 50 is the structure disclosed by Tsao '018 that is more analogous to the end cap recited in Applicant's claims. Clarification is requested if the rejection is not withdrawn.
- "the outer periphery of the plunger end cap being receivable into the opening in the back end portion of the hollow syringe body upon retraction"—This assertion is believed to be insupportable based upon any embodiment disclosed in Tsao '018, as discussed in detail immediately below.

In paragraph 2 of the action, Examiner states that Tsao '018 teaches a syringe assembly comprising *inter alia*, "the outer periphery of the plunger end cap being receivable into the opening in the back end portion of the hollow syringe body upon retraction." Applicant respectfully disagrees. As best seen in FIG. 4 of Tsao '018, the outer periphery of thumb rest (plunger end cap) 57 is not receivable into the opening in the back end portion of the hollow syringe body upon retraction.

Claims 29, 37 and 45

As amended in this response, claims 29, 37 and 45, now recite at least one radially extending finger grip member providing finger grips for the syringe body and a collar extending rearwardly behind the at least one finger grip member, the collar having an open back end, as elements of the syringe body. A syringe body comprising a collar extending behind the at least one finger grip member is not disclosed in any of the embodiments taught by either Tsao '018 or Pressly, et al '629. Applicant has amended claims 29, 37 and 45 to recite that the outer periphery of the plunger end cap is disposed in close proximity to the back end of the collar.

Claim 37 also recites in part that forward movement of the plunger releases the retractable needle from the continuous retaining member by applying a separating force

to the continuous retaining member *without the aid of the plunger seal element.* The syringe of Tsao '018 also fails to meet this limitation of claim 37. Tsao '018 instead discloses, for example, in FIGS. 2-5 that a large part of the forwardly facing surface area of stopper (58) (Tsao's plunger seal) contacts sliding base (20), which Applicant understands to be the element of Tsao's device that is most similar to Applicant's continuous retaining member, during retraction.

Specific Rejections of Other Claims Based on Tsao '018

Claims 36, 44 and 52, which depend from claims 29, 37 and 45, respectively, are amended to recite that the outer periphery of the plunger end cap is lodged in close confinement with the back end of the collar. These recitations further distinguish the invention of claims 36, 44 and 52 over Tsao '018 and Pressly et al. '629 in that neither reference discloses a collar extending rearwardly of the finger grips or a plunger end cap having an outer periphery that is lodged in close confinement with the back end of the collar.

Claims 30-34 (which depend from claim 29), claims 38-42 (which depend from claim 37) and claims 46-50 (which depend from claim 45) recite *inter alia* the same elements as claims 29, 37 and 45, meaning that Tsao '018 also cannot anticipate the subject matter of claims 30-34, 38-42 and 46-50. Applicant therefore requests that the rejection of claims 29-34, 36-42, 44-50 and 52 as being anticipated by Tsao '018 be reconsidered and withdrawn for the reasons stated above.

Claims 54, 55 (which depends from claim 54) and 96 are also rejected as anticipated by Tsao '018. As amended herein, claims 54 and 55 recite in combination both: (1) a needle holding portion of the needle holder that extends forwardly of the biasing element; and (2) a retractable needle attached to the needle holder and partially disposed inside a part of the needle holding portion of the needle holder that is inside the body. Those two elements are not disclosed in combination in any embodiment of Tsao '018.

In the structure disclosed in FIGS. 1-3 of Tsao '018, the needle holding portion (locking tip 34) does not extend forwardly of the biasing element (spring 38) as recited in claims 54 and 55. Needle extender 19 of Tsao '018, which does extend forwardly of the biasing element, is part of barrel 12 and is not attached to needle cannula 30. This is clearly indicated by the space shown between needle extender 19 and needle cannula 30 in FIGS. 1-3 and by the fact that needle cannula 30 would not retract if it was held by needle extender 19. The embodiment disclosed in relation to FIG. 5 of Tsao '018 does not have a biasing element.

In the structure disclosed in FIG. 6 of Tsao '018, locking tip 34 extends forwardly beyond the biasing element (spring 38) but is not attached to and does not hold or even contact the needle (needle cannula 30) and cannot, therefore, be construed as the needle holder. Needle cannula 30 is instead held by needle hub 27, which is connected by adapter 60 to locking tip 34 to facilitate the use of different types of needle cannulae for injection to different parts of the human body as stated at column 3, lines 22 *et seq.*of Tsao '018. More importantly, even if locking tip 34, adapter 60 and needle hub 27 are collectively argued to constitute the "needle holder" as recited in claims 54 and 55, the instant rejection should still be withdrawn because the embodiment of FIG. 6 of Tsao '018 fails to disclose a retractable needle attached to the needle holder and partially disposed inside a part of the needle holding portion of the needle holder that is inside the body as recited in claims 54 and 55.

As rejected, claim 96 recites *inter alia* an inside wall and needle holder cooperating as a spring guide during compression of the spring. None of the three embodiments disclosed by Tsao '108 embodies that structure. In FIGS. 1-3 of Tsao '018, spring 38 is disposed between needle cannula 30 and a cylindrical recess at the back of needle extender 19. In FIG. 5 of Tsao '018, there is no spring 38. In FIG. 6 of Tsao '018, spring 38 is disposed between locking tip 34 and a cylindrical recess at the back of needle extender 19, and needle cannula 30 is held by needle hub 27, not locking tip 34. Furthermore, as amended herein, claim 96 now also recites that the body has a rigid stop surface that is contacted directly by the plunger seal and stops

forward movement of the plunger. None of the three embodiments of Tsao '018 discloses a rigid stop surface that is contacted directly by the plunger seal and stops forward movement of the plunger.

Claims 30, 39 and 47 are amended regarding a structure disposed in the front end of the barrel that prevents forward motion of the retractable needle relative to the syringe body and associated pain to a patient as the plunger is moved forward to its fully depressed position while initiating retraction. However, claims 30, 39 and 47, which depend from claims 29, 37 and 45, respectively, are not anticipated by Tsao '018 in any event because of the other factors discussed above in relation to those claims.

Regarding claims 31, 41, 42 and 49, Examiner states that the plunger carries a tip (56) which protrudes to contact the continuous retaining member and release the retractable needle when retraction is initiated by pushing on the plunger. Applicant is not sure what structure Examiner is referring to as "continuous retaining member" in view of the statement previously appearing in Par. 2 of the action in which limiting flange (26) is said to be the "continuous retaining member" disclosed by Tsao '018. Further, reference numeral (56) of Tsao '018 refers to a cork (e.g., Col. 2, line 51). Cork 56 never contacts limiting flange 26 of Tsao '018 and it is not clear from Tsao '018 (e.g., FIG. 2) that cork 56 ever contacts sliding base 20, appearing instead to contact only locking tip 34 during forward movement of the plunger to initiate retraction. If "protrudes" as used in claims 31, 41, 42 and 49 means "to extend forwardly beyond the plunger seal," then the syringe disclosed by Tsao '018 also apparently fails to disclose that element. Compare, for example, the embodiments shown in FIGS. 1, 2 and 9 of Applicant's drawings, wherein tip 40 of plunger 30 extends forwardly beyond plunger seal 36, 36'. Furthermore, claims 31, 41 and 42 and 49 depend from claims 29, 37 and 45, respectively, and are not anticipated by Tsao '018 for reasons previously stated above in relation to those claims.

Regarding claims 32, 38 and 46, Applicant is again not sure what structure Examiner is referring to as "continuous retaining member" in view of the statement previously appearing in Par. 2 of the action in which limiting flange (26) is said to be the

"continuous retaining member" disclosed by Tsao '018. Limiting flange 26 as disclosed by Tsao '018 is not a separable part of the retraction mechanism. In any case, and even if Examiner is intending to refer to sliding base 20 instead of limiting flange 26 as being the continuous retaining member, claims 32, 38 and 46 depend from claims 29, 37 and 45, respectively, and are not anticipated by Tsao '018 for reasons previously stated above in relation to those claims.

Regarding claims 33 and 48, Applicant is again not sure what structure Examiner is referring to as "continuous retaining member" in view of the statement previously appearing in Par. 2 of the action in which limiting flange (26) is said to be the "continuous retaining member" disclosed by Tsao '018. However, because claims 33 and 48 depend from claims 29 and 45, respectively, they are not anticipated by Tsao '018 for reasons previously stated above in relation to those claims. Additionally, as mentioned previously in relation to the embodiment of FIG. 6 of Tsao '018, locking tip 34 is not a needle holder as that term is used by Applicant.

Regarding claim 34, Applicant respectfully controverts Examiner's statement at page 4 of the subject action for reasons previously stated in relation to claims 29, 31 and 33, from which claim 34 depends, and because much if not most of the force applied to sliding base (20), as disclosed by Tsao '018, during retraction appears to be exerted by stopper (58) rather than by the front tip of plunger (50). Regarding claim 40, Applicant respectfully controverts Examiner's statement at page 4 of the subject action for reasons previously stated in relation to claim 37, from which claim 40 depends. Regarding claim 50, Applicant respectfully controverts Examiner's statement at page 4 of the subject action for reasons previously stated in relation to claims 45, 48 and 49, from which claim 50 depends. Regarding claim 55, Applicant respectfully controverts Examiner's statement at page 4 of the subject action for reasons previously stated in relation to claim 54, from which claim 55 depends.

Regarding claims 36, 44 and 52, Applicant respectfully controverts Examiner's statement at page 4 of the subject action because Tsao '018 fails to disclose a syringe assembly wherein the outer periphery of the plunger end cap is lodged in the open back

end portion of the hollow syringe body. The outer periphery of thumb rest (57) of Tsao '018, which is the end cap of plunger (50), is never lodged in the open back end portion of the hollow syringe body. As amended in this response, claims 36, 44 and 52 recite a collar extending rearwardly behind the at least one finger grip member, with the outer periphery of the plunger end cap being lodged in close confinement with the back end of the collar. This structure is not disclosed by either Tsao '018 or by Pressly et al. '629.

For the foregoing reasons, Applicant respectfully submits that Tsao '018 does not anticipate the subject matter as presently recited in any of claims 29-34, 36-42, 44-50, 52, 54, 55 and 96, and that the rejection under §102(b) should be reconsidered and withdrawn.

Claim Rejections—Pressly et al. '629

Claims 58-94, all of which were previously allowed, are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. 5,211,629 to Pressly et al. Applicant respectfully traverses this rejection and requests that it be reconsidered and withdrawn in view of the amendments and remarks presented in this response. With respect to Examiner's statement in paragraph 3 of the action regarding claims 58 and 81, Applicant specifically controverts and/or requests clarification of, at least in part, the following statements made by Examiner as being teachings of Pressly et al. '629:

- "hollow body (5) with first (9, distal) and second (proximal, unlabeled) open ends"—Reference numeral (9) of Pressly et al. '629 identifies a needle assembly that is fixed to barrel (5) by ultrasonic welding or other permanent attaching means. Both barrel (5) and needle assembly (9) have two ends, as is apparent from FIGS. 3 and 12, so it is unclear from this statement what Examiner refers to as the first and second ends of "hollow body." Clarification is requested if the rejection is not withdrawn.
- "an inside wall of varying diameter extending between the first and second open ends"—If barrel (5) of Pressly et al. is the hollow body, as distinguished from needle assembly (9), then the inside diameter varies only at barrel wedge (71)

and at mating head portion (47). Clarification is requested if the rejection is not withdrawn.

- "needle retraction mechanism (13)"—Reference numeral (13) refers only to the enlarged head of needle (3), and includes only wedge portion (15) and circular flange portion (17), as seen in FIG. 6. That is not a needle retraction mechanism as disclosed by Applicant and as recited in Applicant's rejected claims. Clarification is requested if the rejection is not withdrawn.
- "insertable into the body through the second open end"—Because Examiner does not identify which is the first or second end, respectively, of the "body," the meaning of Examiner's statement is unclear. Clarification is requested if the rejection is not withdrawn. Referring to FIGS. 11-13 of Pressly et al. '629, it is apparent that Pressly et al. fail to teach inserting the retraction mechanism through the end of barrel (5) that is open as shown in FIG. 12. Pressly et al. '629 teach inserting needle (3) into deformable base (11), followed by inserting deformable base into wedged engagement with barrel (5) from the end opposite where plunger (7) is inserted into barrel (5), then "threading" needle (3) through the center of spring (21) in passageway (23) and compressing spring (21) as described, for example, at Col. 5, ll. 21-30.
- "plunger head (43) insertable into the body through the second open end"—If the end of barrel (5) into which plunger head (43) is inserted is the same "second end" as previously referred to in the context of the "inside wall," which seems reasonable, then it cannot possibly also be the same end through which Pressly et al. '629 disclose inserting enlarged head (13) of needle (3). Clarification is requested if the rejection is not withdrawn.
- "the body comprises a nose (9, walls unlabeled at distal-most end of the syringe body) adjacent to the first open end"—This language suggests that Examiner is referring to the small diameter opening at the forwardly extending end of needle assembly (9) as disclosed by Pressly et al. '629 as the nose, which is not part of barrel (5). This again suggests that Examiner considers barrel (5) and needle

assembly (9) to collectively comprise the "hollow body" recited in the rejected claims, with the inwardly curving wall surface of needle assembly (9) that provides outside support for absorbent material (51) as the "transition zone." Clarification is requested if the rejection is not withdrawn.

- "a transition zone between the nose and barrel"—As amended herein, claims 58 and 81 recite a transition zone connecting the barrel and nose. Applicant does not understand what part of barrel (5) or needle assembly (9) as disclosed by Pressly et al. '629 that Examiner considers to be the "transition zone." Clarification is requested if the rejection is not withdrawn.
- "the needle retraction mechanism is grounded inside the nose and comprises an elongated needle holder and a spring (21)"—It is not clear which elements disclosed by Pressly et al. '629 Examiner now refers to as "the nose" and "an elongated needle holder." The "needle retraction mechanism" to which Examiner now refers appears to include needle (3), of which enlarged head (13), wedge portion (15) and circular flange portion (17) are part, and spring (21). Needle (3) does not appear to be grounded inside "the nose" of needle assembly (9) because it is apparent in FIG. 1 of Pressly et al. '629 that a longitudinal gap exists between circular flange portion (17) and the nearest part of needle assembly (9). Pressly et al. state at Col. 2, ll. 4-11 that an application of force to the deformable base moves enlarged head of the "needle" downward until it is blocked by the passageway in needle assembly (9) after severing the sacrificial support means. If needle (3) can still move forwardly during retraction, it does not appear to be "grounded inside the nose" and a patient could be expected to experience pain as the needle moves forward in relation to needle assembly (9) as the plunger is fully depressed during retraction. Clarification is requested if the rejection is not withdrawn.
- "the elongated needle holder further comprises a needle holding portion (13) secured in fixed relation to the needle"—Once again, reference numeral (13) of Pressly et al. '629 refers to the enlarge head portion of needle (3) (Col. 3, ll. 57-

59). At Col. 4, ll. 38-40, Pressly et al. state in reference to FIG. 6 that reference numeral (16) refers to a phantom illustration of "the hollow portion 16 of the needle." If reference numeral (13) indicates the enlarged head of needle (3) and if reference numeral (16) indicates the hollow portion of needle (3), then Pressly et al. '629 fails to teach an elongated needle holder comprising a needle holding portion secured in fixed relation to the needles as recited in the quoted claim language. Only deformable base (11) holds enlarged needle head (13) and even then it is not held in fixed relation because Pressly et al. '629 discloses at Col. 6, ll. 16-17 that prior to retraction, "As deformable base moves forward, enlarged needle head 13 begins to protrude from base 11. . . ." Clarification is requested if the rejection is not withdrawn.

- "a reduced diameter portion at one end of the needle holding portion"—Once again, it is unclear to Applicant which element(s) disclosed by Pressly et al. '629 are relied upon by Examiner as the "needle holding portion" and the "reduced diameter portion at one end of the needle holding portion." Clarification is requested if the rejection is not withdrawn.
- "the reduced diameter portion extending forwardly through the first open end"—Pressly et al. '629 does not disclose a reduced diameter portion of a needle holder, as "needle holder" is used by Applicant in the rejected claims, extending forwardly of the first open end of the hollow body (5). Pressly et al. do not disclose anything other than deformable base (11) holding enlarged head (13) of needle (3). Even if the housing of needle assembly (9) is considered to be part of "hollow body (5)" after attachment to barrel (5) as disclosed by Pressly et al. '629, only the cannula portion of needle 3 extends forwardly through the open end as shown in FIG. 1, and the cannula portion of needle (3) is not anything that can reasonably be considered to be a "reduced diameter portion" of a "needle holder." Clarification is requested if the rejection is not withdrawn.
- "the reduced diameter portion, the distal-most section of element 13, is seen extending between the walls 23"—Enlarged head (13) never extends between

"walls" of passageway (23) disclosed by Pressly et al. '629. Only the cannula portion of needle (3) extends forwardly through the "distal-most section" of needle assembly (9). Clarification is requested if the rejection is not withdrawn.

- "the spring is confined prior to retraction inside the nose in an annulus defined by the needle holding portion and a portion of the inside wall"—If passageway (23) is the annulus to which Examiner refers, then the "inside wall" opposite needle (3) is not an "inside wall of varying diameter extending between the first and second open ends" as disclosed by Applicant and recited in rejected claims 58 and 81. Clarification is requested if the rejection is not withdrawn.

Claim 58

Pressly et al. '629 does not anticipate the syringe recited in claim 58 as amended herein for at least the following reasons:

- Pressly et al. '629 does not disclose a syringe having a needle retraction mechanism insertable into the body through the second open end.
- Pressly et al. '629 does not disclose a syringe having a needle retraction mechanism grounded inside the nose adjacent to the first open end as recited in claim 58 (if the nose is represented by the unlabeled walls at the distal-most end of the syringe body as stated by Examiner) and connected to barrel (5) by the transition zone as also recited in amended claim 58.
- Pressly et al. '629 does not disclose a syringe having a needle holding portion (as distinguished from the needle) having a reduced diameter portion extending forwardly through the first open end of the hollow body.
- Pressly et al. '629 does not disclose a syringe having a compressed spring confined prior to retraction in an annulus disposed between the needle holding portion and the inside wall of the hollow body.

Claims 59-77 and 79-80 depend from claim 58 and are likewise not anticipated by Pressly et al. '629 for at least the reasons stated above.

Claim 81

Pressly et al. '629 does not anticipate the syringe recited in claim 81 as amended herein for at least the following reasons:

- Pressly et al. '629 does not disclose a syringe having a needle retraction mechanism grounded inside the nose as disclosed by Applicant and as recited in claim 81.
- Pressly et al. '629 does not disclose a syringe having a needle holding portion (as distinguished from the needle) having a reduced diameter portion extending forwardly through the first open end of the hollow body as disclosed and claimed by Applicant.
- Pressly et al. '629 does not disclose a syringe having a compressed spring confined prior to retraction in an annulus disposed between the needle holding portion and the inside wall of the hollow body as disclosed and claimed by Applicant.

Claims 82-94 depend from claim 81 and are likewise not anticipated by Pressly et al. '629 for at least the reasons stated above. Other inadequacies of Pressly et al. '629 as an anticipatory reference are addressed below in relation to claims as specifically addressed by Examiner.

Specific Rejections of Other Claims Based on Pressly et al. '629

Regarding claims 59 and 82, and as previously discussed in relation to claims 58 and 81, Applicant is uncertain as to the portions of the syringe disclosed in Pressly et al. '629 that Examiner considers to be the transition zone and the nose. Clarification is requested if the rejection is not withdrawn. The inside diameter of barrel (5) of Pressly et al. '629 appears to be larger than the inside diameter of at least a portion of the inwardly curving wall surface of needle assembly (9).

As amended herein, claim 60 recites as an element of the inside wall of the syringe body (extending between the first and second open ends per claim 58) an annular shoulder proximal to the first open end that provides a barrier limiting forward motion of the elongated needle holder inside a front portion of the nose. The recited element is not disclosed by Pressly et al. '629, which also fails to disclose a needle holder *per se* as previously discussed.

As amended herein, claim 61 recites as an element of the syringe of claim 58 a plunger head comprising a tip forming an opening into the retraction cavity. Claim 94 recites as an element of the syringe of claim 81 a plunger comprising a tip that extends forwardly of the plunger seal to initiate retraction. Claim 63 recites as an element of the syringe of claim 62 a resilient dislodgeable stopper that is positioned in the opening into the retraction cavity and extends forwardly of the tip. Examiner refers to FIGS. 1 and 2 of Pressly et al. '629 but does not identify the "tip" of the plunger head with respect to each of claims 61-63 and 94, and Applicant does not understand which structure(s) disclosed by Pressly et al. Examiner relies upon with respect to the elements recited in each of those claims. Clarification is requested if the rejection is not withdrawn based upon the failure of Pressly et al. '629 to disclose all the elements of claims 58 and 81, from which claims 61-63 and 94, respectively, depend for reasons set forth above.

Because Examiner identifies rupturable boot (43) as disclosed by Pressly et al. '629 as being a "dislodgeable stopper" with regard to claim 62 and as a "slidable seal" with regard to claim 64, *infra*. As amended herein, claim 64 recites the syringe of claim 58 wherein the plunger head further comprises a seal slidably engaging the inside wall of the barrel. Applicant does not understand what structure Examiner considers to be the "tip" that extends forwardly of the plunger seal as recited in claim 94. Clarification is requested if the rejection is not withdrawn based upon the failure of Pressly et al. '629 to disclose all the elements of claims 58 and 81, from which claims 61 and 94, respectively, depend for reasons set forth above.

Claims 65-66, which depend from claim 58, are not anticipated by Pressly et al. '629 for reasons set forth above. For example, Pressly et al. '629 does not disclose a

syringe having a needle retraction mechanism insertable into the body through the second open end.

Claim 67, which depends from claim 58 through claim 66, recites a syringe having as one of its elements a thumb cap with an opening. In support of the statement that Pressly et al. '629 discloses a thumb cap with an opening, Examiner refers to FIG. 10A. Applicant respectfully disagrees. End push (45) disclosed by Pressly et al. '629 has no opening. FIG. 10A is described at Col. 2, line 66, and at Col. 4, line 63 of Pressly et al. '629 as being a view along line "E—E" of FIG. 10, although FIG. 10 has no such line. FIG. 10A instead appears to be an end view of plunger 7 taken along line 10A—10A of FIG. 10. Although the underside of that portion of thumb push (45) of Pressly et al. '629 that extends radially outward from the sidewall of plunger 7 and a portion of the underside of thumb push (45) that forms the closed end of plunger 7 are visible in FIG. 10A, the only opening that is visible is the opening at the plunger head opposite to the thumb cap. Reference numeral 49 in FIG. 10A is directed to the visible portion of the capturing means 49 (Col. 6, line 36), which is best seen in FIGS. 1 and 2.

Claim 68 depends from claim 58 through claims 66 and 67, and further recites a closure installed in the opening recited in claim 67 and a vented retraction cavity, which Examiner suggests are also disclosed in FIG. 10A. The thumb cap opening recited in claim 67 is not disclosed by Pressly et al. '629 and neither is a closure installed in the opening. The only opening in plunger 7 of Pressly et al. '629 is the front opening, and it is covered by rupturable boot (43) until retraction. The rejections of claims 67 and 68 are insupportable based upon the teachings of Pressly et al. '629 and should be withdrawn.

Claim 69 depends from claim 58 through claim 66 and is not anticipated by Pressly et al. '629 at least because the reference does not disclose a retraction mechanism grounded inside the nose adjacent to the first open end of the body, and because Pressly et al. '629 does not disclose a syringe having a needle retraction mechanism insertable into the body through the second open end.

Claim 83 depends from claim 81 and, as amended herein, recites a barrel comprising at least one radially extending finger grip member providing finger grips for the syringe body and a collar extending behind the at least one finger grip member. No collar extending rearwardly behind the at least one finger grip member is disclosed by Pressly et al. '629. Claim 83 further recites through claim 81 a needle retraction mechanism grounded inside the nose, which is not disclosed by Pressly et al. '629. Pressly et al. '629 does not appear to disclose any grounding of the retraction mechanism in the nose if the nose is that portion of the body that is disposed forwardly of barrel (5) and also forwardly of the transition zone segment of needle assembly (9). As amended, claim 81 recites that the transition zone connects the barrel and nose.

Claim 70 depends from claim 58 through claims 69 and 66, and is not anticipated by Pressly et al. '629 at least because the reference does not disclose a retraction mechanism grounded inside the nose adjacent to the first open end of the body, and because Pressly et al. '629 does not disclose a syringe having a needle retraction mechanism insertable into the body through the second open end.

Claim 93 depends from claim 81 through claim 83 and, as amended herein, recites a barrel comprising at least one radially extending finger grip member and a collar extending behind the at least one finger grip member. No collar extending behind the finger grips is disclosed by Pressly et al. '629. Claim 83 further recites through claim 81 a needle retraction mechanism grounded inside the nose, which is not disclosed by Pressly et al. '629. Pressly et al. '629 does not appear to disclose any grounding of the retraction mechanism in the nose if the nose is that portion of the body that is disposed forwardly of barrel (5) and also forwardly of the transition zone segment of needle assembly (9). As amended, claim 81 recites that the transition zone connects the barrel and nose.

Regarding claims 71 and 88, Examiner states that the syringe disclosed by Pressly et al. '629 is "made of" a one-piece barrel. Examiner's statement is correct if "barrel" refers only to barrel (5). However, claim 71 depends from claim 58 and is not anticipated by Pressly et al. '629 at least because the reference does not disclose a

retraction mechanism grounded inside the nose adjacent to the first open end of the body and because Pressly et al. '629 does not disclose a syringe having a needle retraction mechanism insertable into the body through the second open end.

Claim 88 depends from claim 81, which, as amended herein, recites a barrel comprising at least one radially extending finger grip member and a collar extending rearwardly behind the at least one finger grip member. No collar extending behind the finger grips is disclosed by Pressly et al. '629. Claim 88 further recites through claim 81 a needle retraction mechanism grounded inside the nose, which is not disclosed by Pressly et al. '629. Pressly et al. '629 does not appear to disclose any grounding of the retraction mechanism in the nose if the nose is that portion of the body that is disposed forwardly of barrel (5) and also forwardly of the transition zone segment of needle assembly (9). As amended, claim 81 recites that the transition zone connects the barrel and nose. Also, if Examiner's use of "barrel" in the anticipation rejection of claims 71 and 88 relies upon any portion of the outside wall of needle assembly (9) in addition to barrel (5) as disclosed by Pressly et al. '629, then the syringe of Pressly et al. '629 is not "made of" a one-piece barrel because needle assembly (9) is fixed to barrel (5) by ultrasonic welding means or other permanent attachment means (Col. 3, lines 54-56) following installation of the retraction components as described in relation to FIGS. 11-13.

Regarding claims 72 and 84, Examiner states that the retainer member (11) (as identified at page 5 of the instant action) of Pressly et al. '629 is positioned at the most constricted portion of the transition zone were the nose begins. Although claims 72 and 84 are amended herein to recite "prior to retraction" in place of "where the nose begins," Examiner's statement is believed not to be correct with respect to either version of those claims. For reasons discussed previously in this paper, Applicant is unsure as to what portion of the inside wall of the syringe body disclosed by Pressly et al. '629 Examiner considers to be the "transition zone." However, if the portion of the inside wall disposed outwardly of absorbent material (51) of Pressly et al. '629 is considered to be the most constricted portion of the transition zone connecting the barrel and nose, as recited in

claims 58 and 81, from which claims 72 and 84 depend, then it is apparent from FIG. 1 (referenced by Examiner) of Pressly et al. '629 that deformable base (11), if that is the retainer member, is not positioned at the most constricted portion of the transition zone prior to retraction as is presently recited in claims 72 and 84.

Claim 73 is amended herein to recite that the retainer member is coupled to the needle holder head. Claim 73 depends from claim 58 and is not anticipated by Pressly et al. '629 at least because the reference does not disclose a retraction mechanism grounded inside the nose adjacent to the first open end of the body, and because Pressly et al. '629 does not disclose a syringe having a needle retraction mechanism insertable into the body through the second open end. Claim 85, which depends from claim 81, is amended similarly to claim 73 and recites a barrel comprising at least one radially extending finger grip member and a collar extending behind the at least one finger grip member. No collar extending behind the finger grips is disclosed by Pressly et al. '629. Claim 85 further recites through claim 81 a needle retraction mechanism grounded inside the nose, which is not disclosed by Pressly et al. '629. Pressly et al. '629 does not appear to disclose any grounding of the retraction mechanism in the nose if the nose is that portion of the body that is disposed forwardly of barrel (5) and also forwardly of the transition zone connecting the barrel and nose.

Claim 74 depends from claim 58 and is not anticipated by Pressly et al. '629 at least because the reference does not disclose a retraction mechanism grounded inside the nose adjacent to the first open end of the body, and because Pressly et al. '629 does not disclose a syringe having a needle retraction mechanism insertable into the body through the second open end.

Claim 75 recites that the needle is inserted into the reduced diameter portion of the elongated needle holder extending forwardly of the body and is attached to the elongated needle holder. Examiner asserts that the recited language is anticipated by Pressly et al. '629, referring only to FIG. 1. Applicant respectfully disagrees. First, for reasons discussed above, Applicant is uncertain as to what part of the syringe disclosed by Pressly et al. '629 Examiner considers to be the needle and what part Examiner

considers to be the needle holder. Second, there is no portion of needle (3) of Pressly et al. '629 that is shown in FIG. 1 as extending forwardly of the body except the cannula that is inserted into the patient, which cannot be considered the "needle holder." Third, Applicant finds no disclosure in Pressly et al. '629 that teaches or even suggests inserting a needle into a needle holder. FIG. 6 of Pressly et al. '629, as described at Col. 6, lines 36-40, discloses a unitary needle (3) comprising contactor (25), circular flange (17) and enlarged head (13) with wedge portion (15). FIG. 11 of Pressly et al. '629 shows needle (3) inserted into deformable base (11). Fourth, claim 75, which depends from claim 58, is not anticipated by Pressly et al. '629 at least because the reference does not disclose a retraction mechanism grounded inside the nose adjacent to the first open end of the body, and because Pressly et al. '629 does not disclose a syringe having a needle retraction mechanism insertable into the body through the second open end.

Claim 86 is worded similarly to claim 75 but depends from claim 81. Examiner asserts that the recited language is anticipated by Pressly et al. '629, referring only to FIG. 1. Applicant respectfully disagrees. First, for reasons discussed above, Applicant is uncertain as to what part of the syringe disclosed by Pressly et al. '629 Examiner considers to be the needle and what part Examiner considers to be the needle holder. Second, there is no portion of needle (3) of Pressly et al. '629 that is shown in FIG. 1 as extending forwardly of the body except the cannula that is inserted into the patient, which cannot be considered the "needle holder." Third, Applicant finds no disclosure in Pressly et al. '629 that teaches or even suggests inserting a needle into a needle holder. FIG. 6 of Pressly et al. '629, as described at Col. 6, lines 36-40, discloses a unitary needle (3) comprising contactor (25), circular flange (17) and enlarged head (13) with wedge portion (15). FIG. 11 of Pressly et al. '629 shows needle (3) inserted into deformable base (11). Fourth, Claim 86 further recites through claim 81 a needle retraction mechanism grounded inside the nose, which is not disclosed by Pressly et al. '629. Pressly et al. '629 does not appear to disclose any grounding of the retraction

mechanism in the nose if the nose is that portion of the body that is disposed forwardly of barrel (5) and also forwardly of the transition zone connecting the barrel and nose.

Claim 87 is canceled without prejudice.

Examiner's statement appearing at page 7 of the instant action regarding claims 76 and 88 appears to be incorrect insofar as it refers to claim 88, and Applicant will instead consider it in relation to claims 76 and 89, which appear to be the claims to which Examiner's comments are directed. Claims 76 and 89 are amended herein to recite that the inside wall of the body forwardly of the transition zone cooperates with the needle holder as a spring guide during compression of the spring. Pressly et al. '629 does not anticipate amended claims 76 and 89. For reasons previously discussed herein, Applicant is uncertain as to what portion of syringe (1) of Pressly et al. '629 Examiner considers to be the transition zone connecting the barrel and nose. For reasons previously discussed herein, Applicant is also uncertain as to what portion of needle (3) as disclosed by Pressly et al. '629 Examiner considers to be the needle holder. However, in Applicant's view, the inside wall of the body forwardly of the transition zone of Pressly et al. '629 appears to extend forwardly of energy storage means (21) prior to retraction and does not cooperate with a needle holder as a spring guide during compression of the spring as recited in claims 76 and 89. Claim 76, which depends from claim 58, also is not anticipated by Pressly et al. '629 at least because the reference does not disclose a retraction mechanism grounded inside the nose adjacent to the first open end of the body, and because Pressly et al. '629 does not disclose a syringe having a needle retraction mechanism insertable into the body through the second open end. Claim 89 further recites through claim 81 a needle retraction mechanism grounded inside the nose, which is not disclosed by Pressly et al. '629. Pressly et al. '629 does not appear to disclose any grounding of the retraction mechanism in the nose if the nose is that portion of the body that is disposed forwardly of barrel (5) and also forwardly of the transition zone connecting the barrel and nose.

Regarding claims 77 and 90, Examiner states that the retainer member has an outside mating surface (against wall 9) making a seal with the inside wall. Applicant

respectfully disagrees. Examiner is apparently using "retainer member" to refer to deformable base (11) of Pressly et al. '629. Referring to Col. 3, lines 54-55 and to FIG. 9 of Pressly et al. '629, reference numeral (9) refers to the needle assembly and not to a wall *per se*. Further, referring to FIG. 12, Pressly et al. '629 states at Col. 5, lines 16-20, that barrel wedge (71) of barrel (5)--not needle assembly (9)—compresses base (11) circumferentially in the direction of needle head 13 to produce a liquid tight seal between base (11) and barrel (5). Claim 77, which depends from claim 58, is also not anticipated by Pressly et al. '629 at least because the reference does not disclose a needle retraction mechanism insertable into the body through the second open end. Claims 77 and 89 (which depends from claim 81) are also not anticipated by Pressly et al. '629 at least because the reference does not disclose a retraction mechanism grounded inside the nose adjacent to the first open end of the body, where the nose is that portion of the body that is disposed forwardly of barrel (5) and also forwardly of the transition zone connecting the barrel and nose.

Claim 78 is canceled without prejudice.

Claim 91, which depends from claim 81, also is not anticipated by Pressly et al. '629 at least because the reference does not disclose a retraction mechanism grounded inside the nose adjacent to the first open end of the body or disclose any grounding of the retraction mechanism in the nose if the nose is that portion of the body that is disposed forwardly of barrel (5) and also forwardly of the transition zone connecting the barrel and nose.

Regarding claim 79, Examiner states that Pressly et al. '629 discloses a retraction mechanism that is releasable by forward movement of the plunger to disengage the retainer member from the needle holder head without contact between the plunger seal element and the retainer member, referring to FIGS. 1 and 2 in support. Applicant respectfully disagrees. Assuming that Examiner considers deformable base (11) of Pressly et al. '629 to be the "retainer member" and considers enlarged head (13) of needle (3) to be the "needle holder head" and considers rupturable boot (43) to be a slidable seal (as stated by Examiner in relation to claim 64

at page 6 of the instant action), it appears from FIG. 2 of Pressly et al. '629 that the plunger seal element contacts the retainer member in contravention of the recitation in claim 79. Claim 79, which depends from claim 58 through claim 61, is also not anticipated by Pressly et al. '629 at least because the reference does not disclose a retraction mechanism grounded inside the nose adjacent to the first open end of the body, and because Pressly et al. '629 does not disclose a syringe having a needle retraction mechanism insertable into the body through the second open end.

Regarding claims 80 and 92, Examiner states that Pressly et al. '629 discloses a retainer member that acts as a fluid seal for a variable fluid chamber prior to retraction. Claim 80, which depends from claim 58, is not anticipated by Pressly et al. '629 at least because the reference does not disclose a needle retraction mechanism insertable into the body through the second open end. Claims 80 and 92 (which depends from claim 81) are also not anticipated by Pressly et al. '629 at least because the reference does not disclose a retraction mechanism grounded inside the nose adjacent to the first open end of the body, where the nose is that portion of the body that is disposed forwardly of barrel (5) and also forwardly of the transition zone connecting the barrel and nose.

For the foregoing reasons, Applicant respectfully submits that Pressly et al. '629 does not anticipate the subject matter as presently recited in any of claims 58-94, and that the rejection under §102(b) should be reconsidered and withdrawn.

Supporting Declaration of Thomas J. Shaw

In further support of the patentability of the invention as claimed herein over the cited prior art, Applicant submits herewith the Declaration of Thomas J. Shaw Under 37 C.F.R. §1.132 for Examiner's consideration.

Request for Clarification Prior to Imposition of Final Rejection or New Grounds of Rejection

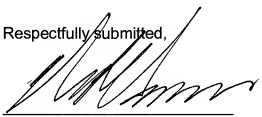
Applicant believes that the claims as amended herein are in condition for allowance and patentably distinguish over the prior art. However, if the instant rejections are not withdrawn, and because, in Applicant's view, Examiner's stated grounds of rejection are in many cases unclear or inconsistent with each other, Applicant respectfully submits that no final rejection is proper pending clarification of Examiner's contentions and an opportunity by Applicant to address any further issue that may be raised by any such clarification in the context of the present rejections.

Request for Personal Interview

If, after considering this Amendment and Response, Examiner does not consider the application to be in condition for allowance, Applicant hereby requests the courtesy of a personal interview at the earliest available mutually convenient time.

All claims presented herein are believed to be in condition for allowance. Please charge any additional fee that may be required or credit any overpayment to Deposit Account No. 12-1781 of Locke Liddell & Sapp, LLP.

Respectfully submitted,



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